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(Original Signature of Member)

107TH CONGRESS
2D SESSION

H. R. _____

To protect children from exploitive child modeling, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. FOLEY introduced the following bill; which was referred to the Committee
on _____

A BILL

To protect children from exploitive child modeling, and for
other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Modeling Exploi-
5 tation Prevention Act of 2002”.



1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) The use of children in the production of
4 exploitive child modeling, including on Internet
5 websites, in photographs, films, videos, and other
6 visual depictions, is a form of child abuse that can
7 result in physical and psychological harm to the chil-
8 dren involved.

9 (2) Exploitive child modeling is different from
10 other, legitimate, child modeling because exploitive
11 child modeling involves marketing the child himself
12 or herself in lascivious positions and acts, rather
13 than actually marketing products to average Amer-
14 ican consumers.

15 (3) The purpose of exploitive child modeling is
16 to satisfy the demand of pedophiles.

17 (4) Unlike legitimate child modeling, exploitive
18 child modeling may involve a direct and personal
19 interaction between the child model and the
20 pedophile. The pedophile often knows the child's
21 name and has a way of communicating with the
22 child.

23 (5) The interaction between the exploited child
24 model and the pedophile can lead the child to trust
25 pedophiles and to believe that it is acceptable and
26 safe to meet with pedophiles in private.



1 (6) Over 70 percent of convicted pedophiles
2 have used child pornography or exploitive child mod-
3 eling depictions to whet their sexual appetites. Be-
4 cause children are used in its production, exploitive
5 child modeling can place the child in danger of being
6 abducted, abused, or murdered by the pedophiles
7 who view such depictions.

8 (7) These exploitive exhibitions of children are
9 unacceptable by social standards and lead to a direct
10 harm to the children involved.

11 **SEC. 3. EMPLOYMENT IN EXPLOITIVE CHILD MODELING.**

12 (a) PROHIBITION ON EMPLOYMENT.—Section 12 of
13 the Fair Labor Standards Act of 1938 (29 U.S.C. 212)
14 is amended by adding at the end the following new sub-
15 section:

16 “(e)(1) No employer may employ a minor under 17
17 years old to work in exploitive child modeling.

18 “(2) Notwithstanding section 16(a), whoever violates
19 paragraph (1) shall be fined under title 18 or imprisoned
20 not more than 10 years, or both.

21 “(3) In this subsection, the term ‘exploitive child
22 modeling’ means the display of a minor (through any me-
23 dium) without a direct or indirect purpose of marketing
24 a product or service other than the minor.”.



1 (b) OPPRESSIVE CHILD LABOR.—Section 3(l) of such
2 Act (29 U.S.C. 203(l)) is amended—

3 (1) by striking “(1) any” and inserting “(A)
4 any”;

5 (2) by striking “(2) any” and inserting “(B)
6 any”;

7 (3) by inserting “(1)” after “(l)”; and

8 (4) by adding at the end the following new
9 paragraph:

10 “(2) Such term includes employment of a minor in
11 violation of section 12(e)(1).”.

12 **SEC. 4. EXPLOITIVE CHILD MODELING OFFENSE.**

13 (a) IN GENERAL.—110 of title 18, United States
14 Code, is amended by inserting after section 2252A the fol-
15 lowing:

16 **“§ 2252B. Exploitive child modeling**

17 “Whoever displays, in or affecting interstate or for-
18 eign commerce, the image of a child who has not attained
19 the age of 17 years, with the intent to make a financial
20 gain thereby, or offers, in or affecting interstate or foreign
21 commerce, to provide an image of such a child with the
22 intent to make a financial gain thereby, without a purpose
23 of marketing a product or service other than an image
24 of a child model, shall be fined under this title or impris-
25 oned not more than 10 years, or both.”.



1 (b) CLERICAL AMENDMENT.—The table of sections
2 at the beginning of chapter 110 of title 18, United States
3 Code, is amended by inserting after the item relating to
4 section 2252A the following:

“2252B. Exploitive child modeling.”.

